

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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DALE DWAYNE GREER,  
a/k/a D'LEUCHI MORRIS,

Civil No. 06-429 (JRT/RLE)

Plaintiff,

v.

**ORDER**

CITY OF DULUTH, SHANA HARRIS,  
DALE MARCUS, UNIDENTIFIED  
COMPLAINANT, PATRICIA BEHNING,  
and ROGER WALLER,

Defendants.

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Dale Dwayne Greer, #113819, MCF Rush City, 7600 Five Hundred  
Twenty Fifth Street, Rush City, Minnesota 55069, plaintiff *pro-se*.

M Alison Lutterman, **OFFICE OF THE DULUTH CITY  
ATTORNEY**, 410 City Hall, 411 West First Street, Duluth, Minnesota  
55802, for defendants.

Based upon the Report and Recommendation of United States Chief Magistrate  
Judge Raymond L. Erickson, and after an independent review of the files and records in  
this case, and on the fact that no objections have been filed to the Report and  
Recommendation, **IT IS HEREBY ORDERED** that:

1. The motion to dismiss, or in the alternative for summary judgment,  
by the defendants City of Duluth, Patricia Behning, and Roger Waller [Docket No.  
14], is granted.
2. The motion of Shana Harris and Dale Marcus, for summary

judgment [Docket no. 20], is granted.

3. The plaintiff's motion for summary judgment [Docket no. 27] is denied.

4. This action is now DISMISSED WITH PREJUDICE.

DATED: February 19, 2007  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge